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E-Filed on 7/30/07

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:  
  
USA COMMERCIAL MORTGAGE  
COMPANY,  
  
USA CAPITAL REALTY ADVISORS,  
LLC,  
  
USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,  
  
USA CAPITAL FIRST TRUST DEED  
FUND, LLC,  
  
USA SECURITIES, LLC,  
  
Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.  
BK-S-06-10725-LBR

**Notice to Thomas Fallon of Motion  
For Summary Judgment Regarding  
Claim No(s). 10725-01884**

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

**NOTICE IS HEREBY GIVEN** to Thomas Fallon that on July 30, 2007, the USACM Liquidating Trust ("USACM") filed a Motion for Summary Judgment related to Claim No(s). 10725-01884 (the "Motion"). Along with this notice, USACM is serving Thomas Fallon with a copy of the Motion.

1 Thomas Fallon asserted secured claim(s) against USA Commercial Mortgage  
 2 Company. The Motion disputes your assertion of secured claim status and asks the Court  
 3 to reclassify your claim(s) as a general unsecured claim(s). This is not an objection to your  
 4 claim as a direct lender or to the security interest you as a direct lender may have in your  
 5 borrowers' property as collateral. Rather, the Motion argues that your claim(s) are not  
 6 secured by property of the bankruptcy estate.

7 **NOTICE IS FURTHER GIVEN** that any opposition to the Objection/Motion  
 8 must be filed pursuant to Local Rule 9014(d)(1). **PLEASE DO NOT CONTACT THE**  
 9 **CLERK OF THE COURT OF THE BANKRUPTCY COURT TO DISCUSS THE**  
 10 **MERITS OF YOUR CLAIM.** If you do not want the Court to grant the relief sought in  
 11 the Objection/Motion, or if you want to explain why you believe your claim(s) are secured  
 12 claim(s) or otherwise want the Court to consider your views on the Objection/Motion, then  
 13 you must file an opposition to the Motion with the Court, and serve a copy on the USACM  
 14 Liquidating Trust **NO LATER THAN AUGUST 17, 2007.** The opposition must state your  
 15 position, set forth all relevant facts and legal authority, provide relevant documents that  
 16 support your claim to secured status, and be supported by affidavits or declarations that  
 17 conform to Local Rule 9014(c).

18 If you object to the relief requested in the Objection/Motion, you *must* file a  
 19 **WRITTEN** response to this pleading with the Court. You *must* also serve your  
 20 written response to the person who sent you this notice.

21 If you do not file a written response with the Court, or if you do not serve your  
 22 written response on the person who sent you this notice, then:

- 23 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 24 • The Court may *rule against you* without formally calling the matter at the
- 25 hearing.

26 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection/Motion will be  
 27 held before a United States Bankruptcy Judge, Courtroom No. 1, Foley Federal Building,  
 28 300 Las Vegas Boulevard South, Las Vegas, Nevada 89101 on **October 15, 2007** at the

1 hour of 9:30 a.m. The hearing may be continued from time to time with notice to the  
2 appearing parties.

3 Dated July 30, 2007.

4 LEWIS AND ROCA LLP

5  
6 By /s/ RC (#6593)

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8 Rob Charles, NV 6593

9 John C. Hinderaker, AZ 18024 (*pro hac vice*)

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